IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.2971 OF 2004

Shri Suresh Shivajirao Kale ..Petitioner

V/s.

The Authorised Enquiry officer and others. ..Respondents

Mr.P.S.Dani for the petitioner.

Mr.C.R.Sonawane, AGP for Respondent Nos.2 & 4.

Coram : R.M.LODHA & R.S.MOHITE,JJ

Date : 4.4.2005.

PC

. Heard the learned Counsel for the petitioner and learned Assistant Government Pleader for Respondent Nos.2 & 4.

2. In this Writ petition the petitioner challenges the show cause notice dated 31.5.2002 for an enquiry in respect of Suvarnayug Co-operative Bank Ltd., on the ground that the said bank failed to recover Rs.5.65 crores from M/s.Home Trade Ltd., and the management failed to take appropriate steps in that regard.

3. The only ground on which the show cause notice is challenged before us is the competancy of the Deputy Registrar to hold enquiry under Section 88 of the Maharashtra Co-operative Societies Act 1960. The submission on behalf of the petitioner is that the person holding enquiry under Section 88 should not be lower than the rank of District Deputy Registrar as per the Notification issued by the State Government.

4. In the reply affidavit filed on behalf of respondents it is stated that the post of the Deputy Registrar and District Deputy Registrar, are the posts of class-I rank.

5. We asked the learned Counsel for the petitioner to show us from the relevant provisions that the post of Deputy Registrar is lower than the post of District Deputy Registrar. The learned Counsel for the petitioner could not show us anything in this regard.

6. Besides that we find that the Commissioner Co-operation and Registrar, Co-operation department by the order dated 20.5.2002 has authorised respondent no.1 to conduct the enquiry against the aforesaid bank under Section 88 of the Maharashtra

Co-operative Societies Act. The said order dated 20.5.2002 is not under challenge by the petitioner.

7. The Writ petition, therefore, has no merits.

8. Dismissed in limine.

(R.M.LODHA,J)

(R.S.MOHITE,J)